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Note verbale dated 22 May 2008 (received 24 April 2009) from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Principality of Andorra to the United Nations has the honour to transmit herewith the response of the Government of the Principality of Andorra to Security Council resolution 1803 (2008).

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Annex to the note verbale dated 22 May 2008 (received 24 April 2009) from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

Response of Andorra to paragraph 13 of Security Council resolution 1803 (2008)

The Principality of Andorra has a long tradition of peace. It has always expressed its support at the international level for the non-proliferation of nuclear, chemical and biological weapons and for efforts to ensure international peace and security.

As a defender of peace and a country which has lived for more than seven centuries without war or conflict, Andorra has never permitted any enrichment-related, reprocessing or heavy-water-related activities or the development of nuclear weapon delivery systems in its territory.

On 3 March 2008, the Security Council adopted resolution 1803 (2008), in which it reaffirms that Iran shall without further delay take the steps required by the Board of Governors of the International Atomic Energy Agency in its resolution GOV/2006/14, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions.

Paragraph 13 of the resolution calls upon all States to report to the Committee on the steps they have taken with a view to implementing effectively paragraphs 3, 5, 7, 8, 9, 10 and 11 of the resolution.

Andorra therefore submits the present report, which reflects the Principality's willingness to cooperate with the United Nations in its continuing efforts to prevent the proliferation of all weapons of mass destruction.

This report is based on close cooperation among the Money-Laundering Prevention Unit, the Customs Department, the Police Service and the Ministry of Foreign Affairs.

Of course, we stand ready to provide the Committee established by resolution 1737 (2006) with any additional information and we are open to implementing all its recommendations.

Andorra wishes to remind the Committee of its letter dated 8 March 2007 (S/AC.50/2007/50), in which the Government reported on the steps taken at the national level with a view to implementing resolution 1737 (2006). Since then, Andorra has continued its work and has made significant progress in its efforts to prevent the proliferation of all weapons of mass destruction.

On 22 November 2007, the Consell General (Andorran Parliament) approved the country's accession to the Council of Europe Convention on the Prevention of Terrorism.

In addition, at its meeting of 27 February 2008, the Government of Andorra approved the country's accession to the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999. The Convention is currently under consideration by Parliament.

With regard to the domestic legal system, Andorra wishes to correct an error that appears in the report submitted in March 2007 on steps taken to implement resolution 1737 (2006) (S/AC.50/2007/50), in the paragraph on page 5 which reads as follows:

> "As regards the financing of weapons production activities, and in the context of the campaign against terrorist groups, article 336 (2) of the new Penal Code criminalizes the provision and receipt of money and in general any other equally serious form of economic or other cooperation, assistance or mediation in the activities of a terrorist group."

The Government wishes to correct this error; it is not article 336 (2) but article 366 of the Penal Code which criminalizes the financing of weapons production activities.

Furthermore, this article will soon be expanded. The adoption of the International Convention for the Suppression of the Financing of Terrorism entails the incorporation of an article 366 bis entitled "Financing of terrorism" and an article 366 ter entitled "Incidental consequences".

Lastly, a new law, currently under consideration by Parliament, will expand the functions and competencies of the Money-Laundering Prevention Unit. This new legislation will give the Unit a mandate to deal with the financing of terrorism, and the official communications issued by the Unit will be binding.

Paragraphs 3 and 5

The Police Service of Andorra regularly receives the lists and amendments thereto circulated by the various committees of the Security Council and immediately implements the measures to which they refer.

These lists are entered into the police database and may be consulted by police officers during any screening.

The Police Service, working with the immigration authorities, is competent to scrutinize the identity and nationality documents and criminal record of any person requesting permission to immigrate, and must in all cases consult the police database.

With regard to border controls, the Immigration Act currently in force states that one of the conditions of entry into the Principality of Andorra is that the person requesting entry must not constitute a serious threat to the security of the State, persons or property or to public order. To that end, border officials must also consult the police database when carrying out screenings.

In addition, the police database is connected to the database of the International Criminal Police Organization (INTERPOL). Lastly, the Police Service of Andorra is in constant contact with the French and Spanish police services.

Andorra can be entered only by road and the borders are patrolled by the Police Service 24 hours a day.

To date, the police have not detected the entry into or transit through Andorra of any persons designated in the annexes to resolutions 1737 (2006), 1747 (2007) or 1803 (2008) as being directly associated with or providing support for Iran's nuclear activities.

Paragraph 7

The Money-Laundering Prevention Unit issues official communications accompanied by lists of the persons and entities designated by the Committee. The Unit has no knowledge of the existence of funds, other financial assets or economic resources on Andorran territory that are owned or controlled by persons or entities designated in the various annexes or by the Committee. Any reasonable suspicion, on the part of anyone subject to a reporting obligation, that a transaction may be linked to one of the entities or persons listed in the official communications, would cause the Unit to block the transaction; the file would then be transmitted to the Public Prosecutor's Office.

Paragraph 8

The Government wishes to report that, to its knowledge, there is no trade with Iran. Andorra does not receive any goods from or supply, sell or transfer goods to Iran. In addition, the Customs Department has a targeting system based on risk assessment criteria. The system also makes it possible to target goods originating from or destined for Iran in order to conduct the necessary checks.

Paragraphs 9 and 10

The Government wishes to report that, to its knowledge, there is no trade with Iran and no activities are carried out with Iranian banks by financial institutions in Andorran territory. In addition, the official communications of the Money-Laundering Prevention Unit require financial institutions to exercise extreme vigilance if they have any commercial relations with Iranian banks.

Paragraph 11

Andorra is located in the Pyrenees; maritime access is therefore impossible. Furthermore, Andorra's geographical features make it impossible for the country to have a public or private airport or airfield where aircraft can land. Andorra has a heliport and private (hospital) helipad. Any helicopter wishing to fly through Andorran airspace must obtain specific authorization from the Department of Transport and Energy of the Ministry of Economic Affairs, indicating the date, time, type of mission, flight path and take-off and landing points, in accordance with the 2 April 1992 Decree concerning the use of helicopters in the Principality of Andorra. For international flights, the application must include a flight plan, which the Government communicates to the countries to be flown over and the final destination. All incoming international helicopter flights are subject to customs and police controls. However, pursuant to the Convention on International Civil Aviation, article 33 of the Air Navigation Act of 9 November 2000 provides that aircraft must have on board a set of documents issued by the relevant authority. Passenger helicopters are required to have a passenger manifest, indicating the points of departure and arrival; goods helicopters must have a goods manifest and goods declaration.

The usual access to Andorra is, therefore, by land, through only two entry points: the French-Andorran border in the north and the Spanish-Andorran border in the south.